

III. Remarks

A. Status of Claims

Claims 1, 3-7, and 12-15 are pending. Claims 1 and 12 are amended. Claims 2 and 8-11 are cancelled. Claims 14 and 15 are new. Claim 2 has been rewritten in independent form as new Claim 15. Accordingly, no new matter has been added.

B. Objections to Specification

Applicants have addressed the objected to the specification in the above-amendments and on the enclosed Substitute Specification, which also includes the abstract. The Substitute Specification, in clean version form, accompanies this response under 37 C.F.R. § 1.125. The Substitute Specification contains no new matter. Applicants request that the Substitute Specification be entered.

C. Objections to Claim 2

The Office Action has rejected dependent Claim 2 for failing to further limit independent Claim 1. Applicants have rewritten Claim 2 in independent form as new Claim 15.

D. Rejections of Claims under 35 U.S.C. § 102(b)

Claims 1-5 and 8-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,395,239 to Komatsu et al (“Komatsu”). Applicants traverse this rejection based on the above amendments and following remarks.

Komatsu discloses a pressure-sensitive recording sheet comprising a support sheet 10, a color developer layer 12 and a color format layer 14. These layers/sheets are surrounded by two water-impermeable layers 16 and 20, which are liquid-tightly closed by an adhesive layer 18. (See Komatsu Col. 6, lines 1-24; FIG. 1). According to Komatsu, this structure provides “a pressure-sensitive recording sheet in which the *recording sheet structure is completely sealed* to have reliable [sic] waterproof property without the fear of delamination or exfoliation between

the recording sheet structure and the liquid-tight protection layer and without the fear of deterioration due to heating.” (*See* Komatsu Col. 2, lines 37-44).

The subject matter disclosed in Komatsu is significantly different from the elements recited in Claim 1. First, the sheet according to Komatsu does not contain any coloring pigment in its initial state, but a coloring pigment is formed by biting on the sheet so that the color developer layer contacts the color former layer, subsequently forming a coloring pigment by chemical reaction. (*See* Komatsu, Col. 5, lines 55-56). In contrast, the articulating paper as recited in independent Claim 1 comprises a color pigment layer right from the beginning. Second, the formed coloring pigments of Komatsu are retained within the sheet by the water-impermeable layers 16 and 20. According to Komatsu the coloring pigments do not leave the recording sheet because of the surrounding impermeable layers, and thus does not use an adhesion promoter. The articulating paper as recited in Claim 1 colors the teeth using an adhesion promoter. The Office Action alleges that the adhesive of Komatsu used to hold the layers together is the adhesion promoter as claimed. This is incorrect because the adhesive layer to hold the layers together is clearly different than the adhesion promoter to color teeth. The adhesive layer of Komatsu holds, in a liquid-tight fashion, the pressure sensitive recording sheet, but does not promote adhesion of coloring pigment onto teeth. The adhesion promoter is absent from Komatsu and the adhesive layer disclosed by Komatsu cannot constitute the recited adhesion promoter. Accordingly, for at least these reasons Komatsu cannot anticipate independent Claim 1 and the withdrawal of the rejection is accordingly requested.

E. Dependent Claims

Dependent claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Komatsu in view of U.S. Patent No. 5,035,621 to Gottschalk et al. for the reasons set forth in the Office Action. Claims 6 and 7, as well as dependent Claims 3-5 and 12-14 depend from independent Claim 1. Accordingly, Claims 3-7 and 12-14 incorporate the features of independent Claim 1 and are patentable over the cited references for at least the same reasons as independent Claim 1.

F. Statutory Double Patenting

Claims 1-13 are rejected for statutory double patenting under 35 U.S.C. § 101 over co-pending U.S. Application No. 10/587,621. Applicants have amended the claims of the present application to include one color layer. The claims of co-pending U.S. Application No. 10/587,621 including multiple color layers. Thus, the claims are not drawn to identical subject matter and these amendments obviate the statutory double patenting rejection.

G. Conclusion

In view of the foregoing, it is believed that this application is in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3536. All correspondence should be directed to the address given below.

Respectfully submitted,

/Keith DS Fredlake/
Attorney for Applicant
Keith Fredlake
Registration No. 58,006

Please continue to direct correspondence to:
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022-2585